

County of Monroe

Planning Department

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Board of County Commissioners

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July 1, 2006

To: Donald L Craig, AICP

RE: Letter to staff dated June 20, 2006

Don,

I would like to respond to outstanding issues as described in your letter received by Planning Staff on June 29, 2006. Concerning the IDO and the standards applicable to conditional uses, particularly the preservation of public access to public beaches or other waterfront areas, Staff contends that the loss of the public boat ramp and the gating of the marina does restrict public access. We are requesting to the Commission that the boat ramp remain and that access to the site remain ungated. We suggest that the gate be relocated to the new western access drive that serves the residential units as proposed during the pre-ap with staff last year.

Concerning the discrepancy over the size of the site, we are relying on our numbers of 10.81 acres until such a survey is submitted to support the size of the finger piers. However, we will incorporate your conditions into the staff report with an adjustment to the over-intensity from 7% to 18%.

The attached site plan did not appear to display clear site triangles. Staff is requesting that a revised site plan be submitted that incorporates the clear site triangles and site maneuverability. Further, to meet the environmental standards, the bike racks will also need to be added to the revised site plan.

Staff still contends that vacation rental of attached dwelling units is prohibited in the MU district. The Section you are referring to applies *if* a vacation rental permit is permitted. Staff supports this claim by referencing other permitted uses of various land use districts. For instance, the Suburban Commercial district permits vacation rental licenses of attached and detached units. Further, Urban Residential Mobile-Home states that Vacation Rental is prohibited except in gated communities. One final example, the UR district does not distinguish which units are eligible or are not eligible to receive vacation rental licenses. Therefore, one would have to be permitted to use a vacation rental license before Section 9.5-534(b) would apply.

Finally, Section 9.5-349(o) applies to structures that serve commercial uses, public uses or more than three (3) dwelling units. The four units do not serve such uses, whereas for example parking could be argued to serve the residences. Therefore, a *structure serving the residential dwelling units could be built in the setback* rather than the dwelling units. I have not had time to discuss this with Ralph and I intend on concluding in the staff report that the thirty (30) foot setback shall apply.